

**REMARKS/ARGUMENTS**

Reconsideration of the present application is respectfully requested. The specification has been amended, without prejudice, to correct certain obvious typographical errors and include minor editorial changes. Support for the structural change in the paragraph starting at page 32 line 6 can be found at, for example, page 30 line 3. No new matter has been added. In the Office Action dated November 14, 2002, claims 1-14 stand rejected. Claims 15-22 are allowed. After entry of the amendment, Claims 1-6 and 8-23 will be pending in this application. Claims 1, 6, 10, 15, and 18 have been amended, and Claim 7 has been canceled, without prejudice. Claim 23 has been added and reflects Claim 7, now canceled, in independent form.

Claim 1 has been amended to correct minor typographical errors, minor drawing imperfections, and to avoid the unintended incorporation of the known compound, discodermolide, the structure of which is found in the specification at page 2, line 3 of the specification. Support for discodermolide's exclusion can be found at page 1, lines 14-16 of the specification.

The amendment to the variable "J" defines over compound 31 in Hung, et. al., *J. Am. Chem. Soc.* **1996**, 118, 11054-11080, and compounds II and III in Gunesequera (US Patent 6,495,594 B2). Applicant has only recently become aware of the latter reference and is submitting this document in an accompanying supplemental IDS. Support for the definition of substituent R<sub>34</sub> can be found at page 73, line 5 of the specification. Note that compound 31 of the Hung reference was not relied upon by the examiner, however it is now called to the examiner's attention and has been dealt with in this amendment.

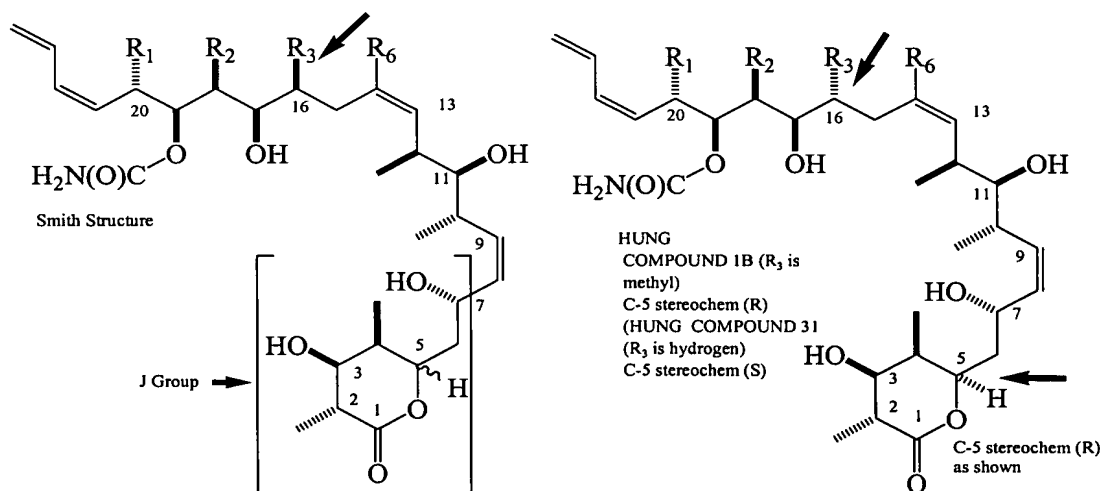
Claim 6 has been amended to reflect the corresponding change in its parent, Claim 1.

Claim 7 has been canceled and new Claim 23 has been added, which represents original Claim 7 in independent form. Support for Claim 23 can be found at col. 73 line 15 and in Figure 34.

Claim 10 has been amended to correct minor typographical errors and minor drawing imperfections.

Claims 15 and 18 have been amended to correct minor typographical errors and minor drawing imperfections. These claims were previously allowed and we believe that these minor changes do not affect their allowability.

Claims 1-6 stand rejected under 35 U.S.C. 102(a) as being anticipated by Hung et. al. on the grounds that compound 1b anticipates those claims. However, Hung's compound 1b discloses that the C-16 substituent,  $R_3$ , is methyl, and that the stereochemistry at C-16 is (R). The stereochemistry at C-16 in the present claims, however, is required to be (S). The difference between Hung compound 1b and the claimed compounds of the invention is shown graphically below.



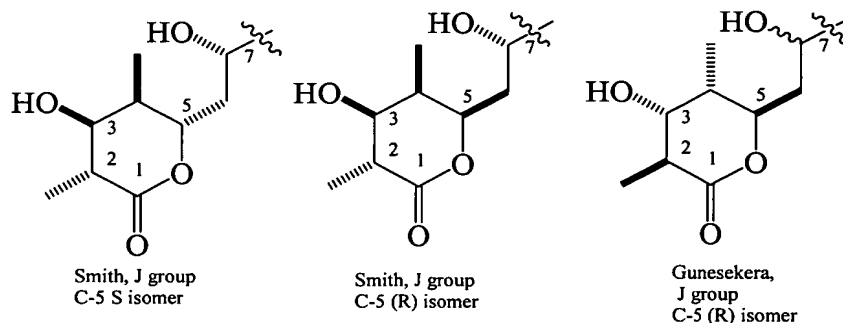
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Further, dependent claims 2, 5 and 6 are not anticipated by either of Hung's compounds 1b and 31. In compounds 1b or 31, discloses that R<sub>6</sub> is methyl, whereas in the present claims 2, 5 and 6, R<sub>6</sub> must be hydrogen.

Claims 10-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Examples 1 and 3 in Gunsekera (US Patent 5,010,099). Gunsekera ('099') was issued with several certificates of correction concerning identified errors in structures. Among the structures corrected are those cited by the examiner. Although the examiner's arguments relate to the uncorrected structures, applicant comments on the potential relevance of both the correct and incorrect forms. Applicant also observes that the structure in Example 2 contains the identical error, but was left uncorrected. To simplify, whether the corrected or uncorrected structures are taken to be operative in Gunsekera, applicant believes that the following arguments support patentability.

The Gunsekera Example 1 structure, as corrected, contains a C-4 conjugated diene at C-20, while the compounds in the present claims 10-14 require a saturated four carbon group at the same location. Applicant sees this as a significant difference.

In Gunsekera's uncorrected example 1, the C-20 group is saturated. However, this saturated form has indicated stereochemistry for the lactone portion that is clearly distinguishable from the claimed lactone structures cited by the examiner in several respects. Further, Gunsekera fails to disclose any stereochemistry at the nine remaining stereochemical centers, each of which is required to have specific stereochemistry in the applicant's compounds. Gunsekera Example 3 structure, as corrected, contains no double



bonds in the chain, while applicant's compounds in claims 10-14 require 2 double bonds located at  $\Delta^{8,9}$  and  $\Delta^{13,14}$ .

Claims 1-6 and 10-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by compounds IV and V in the Longley (US Patent 5,681,847) reference when the compounds of applicant's claims 1 and 10 have a "J" variable as depicted immediately above. Longley teaches compounds, each of which has 13 possible chiral centers, or  $2^{13}$  possible species. Claims 1-6 and claims 10-14 require absolute stereochemistry at 12 of the thirteen chiral centers.

### CONCLUSION

Claims 16, 17, and 19-22 are allowed. Applicant believes that amended Claims 15 and 18, with only minor typographical modifications, are still allowable. Claims 1, 6, and 10 have been amended. Claim 7 has been canceled and Claim 23 has been added to reflect Claim 7 in independent form. No new matter has been added. Applicant believes that the foregoing constitutes a complete and full response to the office action of record and that claims 1-6, 8-15, and 18-23 are now in condition for allowance, and respectfully requests

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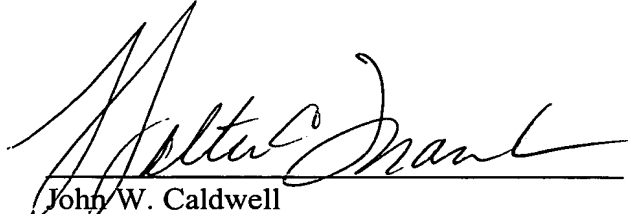
**PATENT**

**Application No.:** 09/730,929

**Office Action Dated:** November 14, 2002

notice to that effect. A terminal disclaimer in view of U.S. Patent No. 6,242,616 will be submitted upon receipt of an indication of allowability.

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